



National
Parole Board

Commission nationale des
libérations conditionnelles

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DECIDING ABOUT PAROLE



Canada

The goal of all parole decisions is the protection of society. The National Parole Board looks at protection in the long and short term. In the short term, the Board examines whether there is an undue risk to society if the offender is released. To meet the longer term goal, the Board considers whether parole would help the offender return to the community as a law-abiding citizen. The Board has developed detailed policies to guide this task of risk assessment. This leaflet describes those policies.

The law

The Corrections and Conditional Release Act requires that all offenders be reviewed for parole and sets standards and principles to guide parole decision making. The law allows a parole board to grant parole if, in its opinion:

- the offender will not by reoffending present an undue risk to society; and
- the release will contribute to the protection of society by helping the offender return to society as a law-abiding citizen.

Principles outlined in the act include:

- **protection of society is the most important consideration in any release decision;**
- all available information relevant to the case must be considered;
- the Board must make the least restrictive choice, consistent with the protection of society; and
- offenders must be given the relevant information, reasons for decisions, and access to review of decisions to ensure a fair and understandable conditional release process.



Looking at risk

National Parole Board policies require that Board members systematically review the risk an offender might present to society if released. To assess risk, the policies require slightly different review processes for two types of offenders:

Category 1: Offenders who have committed serious offences, usually involving violence

Category 2: Offenders who committed other offences

Step 1 - preliminary risk assessment

The first step has two parts. First, Board members review all available information about the offender to make a preliminary assessment of risk. This will include information about:

- details of the offence;
- criminal history;
- social problems, such as alcohol or drug use and family violence;
- mental status, especially if it affects the likelihood of future crime;
- performance on earlier releases, if any; and
- information about the offender's relationships and employment.

Second, Board members consider a statistical probability of an offender to reoffend. They look at how often new offences are committed by a group of offenders with characteristics and histories similar to those of the person under review.



Step 2

After completing a preliminary risk assessment, Board members look at specific factors such as:

- psychological or psychiatric reports (The Board must have a report from a psychologist and sometimes a psychiatrist to make a decision about an offender in the first category. Although the Board does not require these reports for offenders who committed offences in the second category, the Board may ask for them in any case.);
- opinions from professionals and others such as aboriginal elders, judges, police, and other information that indicates whether release would present an undue risk to society;
- information from victims;
- whether the offender has received and benefited from appropriate treatment for any disorder diagnosed by a professional;
- whether the offender has taken part in and benefited from programs that help offenders become law-abiding citizens, such as substance abuse counselling, life skills, native spiritual guidance and elder counselling, literacy training, employment, social and cultural programs, and programs that help offenders deal with family violence issues;
- whether the offender shows a good understanding of the seriousness and the effects of the offence; and
- if the offender's release plan shows control and support and is realistic and confirmed.

After considering all of this information and usually holding a hearing with the offender, Board members make a decision whether to



grant parole. If denied, another review date may be set. If release is granted, the Board may add conditions to those already required by law. To impose additional conditions, such as a requirement not to drink alcohol, it must be considered necessary to manage risk and be related to the offender's criminal behaviour.

Accelerated review*

The Corrections and Conditional Release Act requires some offenders who are serving their first term in a penitentiary to be released on full parole after they have served one-third of their sentence. These offenders must be released on full parole unless the National Parole Board finds reasonable grounds to believe the offender is likely to commit an offence involving violence before the end of the sentence. Accelerated review applies only where:

- the offender is serving the sentence for an offence that is nonviolent; or
- the offender is serving the sentence for a serious drug offence for which the judge did not set parole eligibility at one-half of the sentence.

A person serving a sentence for murder, an offence involving other violence, or a serious drug offence for which the judge set eligibility at one-half of the sentence, is not eligible for accelerated review.

*NPB pre-release decision policies do not apply to offenders eligible for accelerated review. Nevertheless, as with all release decisions, the National Parole Board conducts rigorous reviews of all available information. Further, conditions to manage risk will be used as necessary, up to and including requirements for an offender to live in a halfway house.



National Parole Board

Headquarters

340 Laurier Avenue West
Ottawa, Ontario
K1A 0R1
(613) 954-6617
Fax: (613) 995-4380

Regional Offices

Atlantic Regional Office

1222 Main Street, 4th floor
Moncton, New Brunswick
E1C 1H6
(506) 851-6056
Fax: (506) 851-6926

after 1 May 1993:

1045 Main Street, 1st floor
Moncton, New Brunswick
E1C 1H1
(506) 851-6056
Fax: (506) 851-6926

Quebec Regional Office

200 Rene Levesque Boulevard West
West Tower, 2nd Floor
Montreal, Quebec
H2Z 1X4
(514) 283-4584
Fax: (514) 283-5484

Ontario Regional Office

516 O'Connor Drive
Kingston, Ontario
K7P 1N3
(613) 634-3857
Fax: (613) 634-3861

Prairies Regional Office

229 Fourth Avenue South, 6th Floor
Saskatoon, Saskatchewan
S7K 3X5
(306) 975-4228
Fax: (306) 975-5892



Pacific Regional Office

32315 South Fraser Way, Suite 305
Abbotsford, British Columbia
V2T 1W6
(604) 854-2468
Fax: (604) 854-2498

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**Communications Division
National Parole Board
340 Laurier Avenue West
Ottawa, Ontario
K1A 0R1**

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